

**CHARTER
OF THE
MUNICIPALITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO**

EDITOR'S NOTE: The Centerville Charter was adopted at the special election held on April 16, 1968. Dates appearing in parentheses following a section heading in the Table of Contents, and following a section in the text, indicate that the section was subsequently amended, enacted or repealed on the date given.

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**CHARTER
OF THE
MUNICIPALITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO**

PREAMBLE

We, the people of the Municipality of Centerville, Montgomery County, Ohio, in order to secure the benefits of local self-government under the Constitution of the State of Ohio, do adopt this Charter for the government of the Municipality of Centerville.

**ARTICLE I
NAME AND BOUNDARIES**

SECTION 1.01. NAME.

The Municipality now existing in the County of Montgomery, State of Ohio, and known as the City of Centerville, shall continue to be a body politic and corporate.
(Amended November 6, 1984)

SECTION 1.02. BOUNDARIES.

The Municipality shall have the same boundaries as now exist, with the power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio.

**ARTICLE II
FORM OF GOVERNMENT**

SECTION 2.01. FORM OF GOVERNMENT.

The government provided for by this Charter shall be known as the Council-Manager Form.
(Amended November 3, 1992)

ARTICLE III POWERS

SECTION 3.01. POWERS OF MUNICIPALITY.

Except as restricted by this Charter, the Municipality shall have all powers possible for a municipality to have under the Constitution and laws of the State of Ohio, as fully and completely as though they were specifically enumerated in this Charter.

SECTION 3.02. MANNER OF EXERCISE OF POWERS.

All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine by ordinance.

SECTION 3.03. CONSTRUCTION.

The powers of the Municipality under this Charter shall be construed liberally in favor of the Charter and the Municipality, and the enumeration of particular and specific powers in the Charter shall not be construed as limiting in any way the general power to which this government is entitled under the Constitution and laws of the State of Ohio. As used in this Charter, unless the context otherwise requires, the singular includes the plural and the plural includes the singular; words of one gender include the other gender; and words in the present tense include the future.
(Amended November 2, 1976)

SECTION 3.04. INTERGOVERNMENTAL RELATIONS.

The Municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more political subdivisions, states or civil divisions or agencies thereof, or the United States or any agency thereof, not inconsistent with the general laws or the Constitution of the State of Ohio, or the Constitution or laws of the United States. (Amended November 2, 1976)

ARTICLE IV THE COUNCIL

SECTION 4.01. POWERS; NUMBER; SELECTION; AND TERM.

Except as limited or directed by this Charter, all powers of the Municipality not inconsistent with this Charter shall be vested in a Council which shall have power to legislate under the authority of this Charter and to enact all ordinances and resolutions necessary and proper for carrying into execution the purposes of this Charter. Council shall consist of seven (7) Councilmembers, of which six (6) shall be Councilmembers elected for overlapping terms, and one (1) shall be a separately elected Mayor as provided by Section 4.03. All Councilmembers shall be elected at-large in the

Municipality for four (4) year terms in the manner provided for by Article XI of this Charter so that three (3) Councilmembers shall be elected for full terms at each general Municipal election.

The regular term of Councilmembers and the Mayor shall begin the first day of January following their election. The oath of office shall be taken between the election certification and January 1st following the election. They will serve until their successors are chosen and are qualified as such. If a Councilmember-elect fails to qualify, dies or resigns, the position shall be filled according to the provisions of this Charter for vacancies in Council. All elections of Councilmembers and the Mayor shall be on a non-partisan basis.

(Amended November 2, 1976; November 6, 1984; November 3, 1992)

SECTION 4.02. ELIGIBILITY.

Any qualified elector of the Municipality shall be eligible to hold the office of Councilmember or Mayor. (Amended November 2, 1976)

SECTION 4.03. MAYOR AND DEPUTY-MAYOR.

(a) Mayor. The Mayor shall be elected by separate ballot from the Municipality at-large for a four (4) year term. The Mayor shall be a Councilmember and have the right to vote on all issues before the Council, but shall have no power of veto.

In addition to the powers, rights and duties as a Councilmember, as herein provided, the Mayor, when present, shall preside at meetings of the Council, shall be recognized as head of the Municipal Government for all ceremonial and non-administrative purposes, by the Governor for purposes of military law, and by the Courts for civil process involving the Municipality. The Mayor shall have judicial powers and the other powers and privileges to which mayors are entitled under the general laws and the Constitution of the State of Ohio. The Mayor shall perform all other duties prescribed for the office by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter.

(b) Deputy-Mayor. The Council shall, at the regular meeting in January following its election, and every two (2) years thereafter, choose, by a majority vote of all members of the Council, one of its members a Deputy-Mayor who shall act as Mayor during the absence or disability of the Mayor. If a vacancy occurs, the Deputy-Mayor shall serve as Mayor until the next regular Municipal election. At such election a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, other than the Deputy-Mayor then serving as Mayor, the Deputy-Mayor may retain a position as Councilmember for the remainder of his or her unexpired term.

In the event of a vacancy in the office of Mayor whereby the Deputy-Mayor is required to serve as Mayor, the Council shall select a person to fill the vacancy in Council as provided in Section 4.05(d). However, the person so chosen shall serve only until a Mayor is elected as provided herein. (Amended November 2, 1976)

SECTION 4.04. PROHIBITIONS.

(a) Holding Other Offices. Except where authorized by this Charter, neither Councilmembers nor the Mayor shall hold any other Municipal office or Municipal employment during the term for which said Councilmember or Mayor was elected or appointed to the Council, and no former Councilmember or Mayor shall hold any compensated appointive Municipal office or Municipal employment until two (2) years after the expiration of the term for which he or she was elected or appointed, except as provided in Section 4.05(d).

(b) Appointment and Removals. Neither the Council nor any of its members, including the Mayor, shall in any manner dictate the appointment or removal of any Municipal officers or employees whom the Manager or any subordinates are empowered to appoint or remove, but the Council as a body meeting with the Manager may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference With Administration. Except for the purpose of inquiries and investigations under Section 4.11, the Council or its members shall deal with the Municipal officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give any orders to any such officer or employee, either publicly or privately.

(Amended November 2, 1976; November 6, 1984)

SECTION 4.05. VACANCIES; FORFEITURE OF OFFICE; AND FILLING OF VACANCIES.

(a) Vacancies. The office of Councilmember shall become vacant upon the Councilmember's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office.

(b) Forfeiture of Office. A Councilmember shall forfeit his or her office if said Councilmember:

- (1) Lacks at any time during a term of office, any qualifications for the office prescribed by this Charter;
- (2) Intentionally violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude or malfeasance;
- (4) Fails to attend three (3) consecutive regular meetings of Council without being excused by the Council.

(c) Disability. On questions of disability involving the Mayor, Deputy-Mayor or Councilmember, the decision as to actuality of, the time of, and duration of, the disability, for purposes of declaring a vacancy, shall be determined by a majority vote of the remaining members of Council present within the quorum.

(d) Filling of Vacancies. Vacancies in the office of Councilmember shall be filled within thirty (30) days by vote of a majority of the remaining members of Council. If a vacancy occurs in one or more positions among Councilmembers-elect, Council of the new term shall appoint by majority vote an eligible citizen of the Municipality of Centerville. If the Council fails to do so within thirty (30) days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment immediately following the expiration of the said thirty (30) days. Any appointee under this section shall qualify under the provisions of this Charter, shall hold office, and shall serve for the unexpired term and until a successor is elected and qualified. (Amended November 2, 1976)

SECTION 4.06. RECALL.

The electors shall have the power to remove from office, by recall election, any elected officer of the Municipality.

If an elected officer shall have served for six (6) months of a term, a petition demanding his or her removal may be filed with the Clerk of Council who shall note thereon the name and address of the elector filing the petition, and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought, and a statement in not more than two hundred (200) words of the grounds for removal. Such petition shall be signed by the number of electors which equals twenty-five percent (25%) of the total number of electors voting for the candidates for Councilmember. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof.

If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition with the Clerk, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery.

At such recall election, conducted by the Board of Elections of Montgomery County, Ohio, as stated in Section 11.02, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer

shall be considered as removed, said office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy thereby.

(Amended November 2, 1976)

SECTION 4.07. COMPENSATION.

The Council may determine the annual salary of Councilmembers by ordinance, but no ordinance increasing such salaries shall become effective until the commencement of the terms of Councilmembers elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. The Mayor shall receive additional compensation. Councilmembers, by resolution of Council, stating the exact purpose of the appropriation, may receive their actual and necessary expenses incurred in the performance of their duties of office.

(Amended November 2, 1976)

SECTION 4.08. JUDGE OF QUALIFICATIONS.

The Council shall be the sole judge of the election and qualifications of its Councilmembers-elect and its own members, and the grounds for forfeiture of their office, as listed in Section 4.05, and for that purpose Council, by ordinance, shall prescribe the process of citing witnesses, administering oaths and producing evidence, and its enforcement through the Department of Law. If, by an affirmative vote of five (5) members of Council, a witness is declared in violation of the ordinance enforcing this section, the case shall be referred to the Department of Law for appropriate action before the proper court.

A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Municipality at least fifteen (15) days in advance of the hearing. (Amended November 2, 1976)

SECTION 4.09. CLERK OF COUNCIL.

There shall be a Clerk of Council, selected by vote of a majority of all members of the Council, from outside its membership, to serve until a successor is chosen and enters upon the duties of this office. The Clerk shall give notice of Council meetings and all other meetings as required by State law, keep the journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by Council, and see that such enactments are published as required by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter, or by ordinance or resolution of the Council. The Clerk may be appointed to serve full or part-time and shall receive a salary for services as such, as established by ordinance.

(Amended November 2, 1976)

SECTION 4.10. PROCEDURE.

(a) Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of four (4) or more members and, whenever practicable, upon no less than twelve (12) hours notice to each member. All meetings where official business is consummated shall be public except as otherwise provided by Ohio statute or by ordinance.

(b) Rules and Journal. The Council shall adopt and may amend its own rules and order of business, in conformity with this Charter, and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting. On resolutions, ordinances and motions, voting need not be by roll call unless specifically requested by a member of Council. All votes shall be recorded in the journal. Four (4) members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Sections 4.05, 4.08, 5.05, 5.08, 6.04, 7.07 and 12.04(a), shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the Council. (Amended November 2, 1976; November 6, 1984)

SECTION 4.11. INVESTIGATIONS.

The Council may make investigations through and with the Manager into the affairs of the Municipality and the conduct of any Municipal department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The Council shall provide by ordinance the penalties for the failure or refusal of any person to obey a lawful order issued in the exercise of these powers as prescribed in Section 4.08.

SECTION 4.12. INDEPENDENT AUDIT.

During those years in which the State of Ohio shall make an audit of the affairs of the Municipality, such audit may be accepted as satisfying the requirements of this section. In any other years, Council may, when it deems it advisable, provide for an annual audit by a certified public accountant or firm of such accountants.

**ARTICLE V
LEGISLATION****SECTION 5.01. ORDINANCES AND RESOLUTIONS.**

Council action shall be by ordinance or resolution. Ordinances shall be the enactments of the Council and shall have the full force and effect of law. Ordinances shall prescribe permanent rules of conduct of government. Resolutions shall be orders of the Council of a special or temporary nature.

SECTION 5.02. INTRODUCTION OF ORDINANCES.

Every proposed ordinance shall be introduced in written or printed form after review by the Department of Law on the question of correct legal form, of possible contradiction with existing ordinances, or conflict with the Charter or Constitutional provisions. It shall be in the form required by Council for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Municipality of Centerville hereby ordains...". Any ordinance which amends an existing ordinance or part of the Municipal Code shall set out in full the ordinance, sections or subsections to be amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics. Ordinances to be repealed may be referred to by title or section number only and need not be set out in full.

(Amended November 6, 1984; November 3, 1992)

SECTION 5.03. PASSAGE OF ORDINANCES.

A proposed ordinance may be introduced by any Councilmember at any regular or special meeting of the Council. Upon introduction of any proposed ordinance, the Clerk of Council shall distribute a copy to each Councilmember and to the Manager, shall file one (1) copy in the office of the Clerk of Council, shall make copies available to interested parties, and shall publish the proposed ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. (As used in this section, the term "publish" means to print in summary form in one or more newspapers of general circulation in the Municipality and/or to post in full in not less than five (5) of the most public places in the Municipality as determined by Council.)

A public hearing shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may adjourn from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. Within ten (10) days after adoption of any ordinance, the Clerk shall have it published again, together with a notice of its adoption.

(Amended November 2, 1976)

SECTION 5.04. EFFECTIVE DATE.

Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

SECTION 5.05. EMERGENCY ORDINANCES.

To meet a public emergency affecting health, safety, morals, or the public welfare, or a special emergency in the operation of a Municipal department or agency, the Council may adopt one or more emergency ordinances, but such ordinances may not: levy taxes, except when incidental to incurring debt; grant, renew, or extend a franchise, except one affecting health. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. A proposed emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members of Council shall be required for adoption. After its adoption the ordinance shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

Every emergency ordinance, except one enacted pursuant to Section 8.11 or in the exercise of Council's power under Chapter 727 of the Ohio Revised Code or one authorizing the borrowing of money, shall automatically stand repealed as of the seventy-fifth (75th) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section, if the emergency still exists in the judgment of Council. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. No emergency ordinance shall be subject to the initiative and referendum. (Amended November 2, 1976; November 3, 1992)

SECTION 5.06. ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by any public or private agency by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the Council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all such cases in which such a code shall be adopted by reference, publication of the code at length, by the Municipality, shall not be required. However, at least one (1) copy of all such codes, including all amendments thereto, shall be kept in the office of the Clerk of Council for consultation by interested persons during regular office hours and additional copies shall be for sale, when available, at cost, by the Clerk of Council. (Amended November 2, 1976)

SECTION 5.07. INITIATIVE AND REFERENDUM.

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedure set forth in the Ohio Revised Code. If the Council is required to pass more than one ordinance or resolution to complete and pay for any public improvement, the referendum shall

apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto. Council shall not repeal any ordinance approved by the electors. Repeal of such ordinance shall be subject only to the referendum.

SECTION 5.08. RESOLUTION.

Action by Council, which is not required by this Charter to be taken by ordinance, may be taken by resolution. Such a resolution shall be in written or printed form and shall be introduced by a member of Council, and may be adopted by a voice vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption.

SECTION 5.09. AUTHENTICATION AND RECORDING; CODIFICATION; AND REPRODUCTION.

(a) Authentication and Recording. The Clerk of Council shall authenticate by the Clerk's signature, along with the signature of the Presiding Officer of the Council, and record in full, in a properly indexed journal kept for the purpose, all ordinances and resolutions adopted by the Council.

(b) Codification. At least every ten (10) years the Council shall provide a general codification of all Municipal ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, including any pertinent provisions (as the Council may specify) of: the Ohio Constitution; other laws of the State of Ohio; codes of technical regulations; and other rules and regulations or pertinent supplementary matter of service or interest. This compilation shall be known and cited officially as the Centerville Municipal Code. Copies of the Municipal Code shall be furnished to Municipal officers, placed in public Municipal offices for free public reference, and made available for purchase by the public at cost as determined by Council.

(c) Reproduction of Ordinances and Resolutions. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be reproduced promptly following its adoption, and the reproduced ordinances, resolutions and Charter amendments shall be distributed or sold to the public at cost as determined by the Council. The Council shall make further arrangements as it deems desirable with respect to reproduction and distribution of any changes in or additions to the provisions of the Constitution and other laws of the State of Ohio, or the codes of technical regulations, and rules and regulations included in the Municipal Code. (Amended November 2, 1976; November 3, 1992)

**ARTICLE VI
THE MANAGER**

**SECTION 6.01. APPOINTMENT; QUALIFICATIONS; AND
COMPENSATION.**

The Council, by a majority vote of all members of Council, shall appoint a Manager for an indefinite term and shall fix compensation. The Manager shall be appointed on the basis of executive and administrative qualifications. The Manager need not be a resident of the Municipality or the State at the time of appointment, but shall reside therein during tenure of office as Manager. (Amended November 2, 1976)

SECTION 6.02. POWERS AND DUTIES.

The Manager shall be the chief executive and administrative officer of the Municipality, and shall be recognized by the courts for civil process involving the Municipality. The Manager shall be responsible to the Council for the administration of all Municipal affairs placed in the Manager's charge by or under this Charter. The Manager shall have the following powers and duties:

- (a) See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
- (b) Submit to the Council and make available to the public a complete report on the finances, administrative activities and an inventory of the properties of the Municipality as of the end of each fiscal year.
- (c) Prepare and submit the annual budget and capital program to the Council.
- (d) Keep the Council fully advised as to the financial condition and future needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as the Manager deems desirable, or as Council may require.
- (e) Direct and supervise the administration of all departments, offices and agencies of the Municipality except as otherwise provided by this Charter.
- (f) Appoint, and, when the Manager deems it necessary for the good of the service, suspend or remove any Municipal employee and appointive administrative officer, except as otherwise provided by this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (g) Attend all Council meetings and take part in discussion, but may not vote.
- (h) Make such other reports as the Council may require concerning the operations of the Municipal departments, offices and agencies subject to the Manager's direction and supervision.

- (i) Arrange and prepare contracts, franchises and agreements, in cooperation with the Municipal Attorney, but no such contracts, franchises or agreements shall be legal until ratified or authorized by ordinance or resolution of the Council and, with reference to public utilities, according to the provisions of Article XVIII of the Constitution of the State of Ohio.
- (j) Perform such other duties as are specified in this Charter or as may be required by the Council within the limits of the Charter.
(Amended November 2, 1976; November 6, 1984)

SECTION 6.03. ACTING MANAGER.

By letter filed with the Clerk of Council, the Manager shall designate a qualified Municipal administrative officer to exercise the powers and perform the duties of Manager during temporary absence or disability. If such designation has not been made, and the Manager is, in the opinion of the majority vote of Council, unable to perform the Manager's duties or to make such designation, the Council shall, by resolution, appoint any qualified administrative officer of the Municipality or from another source to perform the duties of the Manager until the Manager shall return or the Manager's disability ceases. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Municipality to serve until the Manager shall return or the Manager's disability shall cease.
(Amended November 2, 1976; November 3, 1992)

SECTION 6.04. REMOVAL.

The Council may remove the Manager from office in accordance with the following procedures:

- (a) The Council shall adopt by affirmative vote of a majority of all members a preliminary resolution which must state the reason for removal and may suspend the Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Manager. During his or her suspension, Council shall appoint an Administrator from the departments or from another source to act as Manager.
- (b) Within five (5) days after a copy of the resolution is delivered to the Manager, the Manager may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.
- (c) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of five (5) of the Councilmembers at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing if one has been requested.

In any case of removal, the former Manager shall be paid such consideration as may be determined by the Council acting by resolution. The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency. (Amended November 2, 1976; November 3, 1992)

ARTICLE VII ADMINISTRATIVE DEPARTMENTS

SECTION 7.01. CREATION OF DEPARTMENTS.

The administrative activities of the Municipality shall be carried on by Departments of: Finance, Safety, Service, Development, and Law. This shall not preclude the ability for Council to provide such services through joint participation with other governmental agencies as provided in Section 3.04.

SECTION 7.02. CREATION OF NEW DEPARTMENTS.

The Council may establish other departments in addition to those created by this Charter as the needs of the Municipality may require, and except for those established in Section 7.01, may abolish or combine them in any manner as it deemed necessary. They may prescribe the functions and names, or change the names, of all departments, except that no function assigned by this Charter to a particular department may be discontinued or, unless this Charter specifically so provides, assigned to any other.

SECTION 7.03. DEPARTMENT DIRECTORS.

At the head of each department there shall be a part-time or full-time director appointed by the Manager. Two (2) or more departments may be headed by the same person and the Manager may serve as the director of one or more departments in addition to his or her duties as Manager, if the Council approves. Each director shall be an administrative officer of the Municipality. The director shall have supervision and control of the department he or she heads subject to the direction of the Manager. (Amended November 2, 1976)

SECTION 7.04. DEPARTMENTAL DIVISIONS. (REPEALED)

(EDITOR'S NOTE: Section 7.04 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)

SECTION 7.05. ADMINISTRATIVE CODE.

Subject to the provisions of this Charter and after consultation with and the recommendation of the Manager, the Council may adopt an Administrative Code which shall provide in detail the organization of the Municipal Government, and define the powers and duties of each organizational unit. Amendments to and revision of the Administrative Code shall be made by the Council only after consultation with and the recommendation of the Manager. Where the Charter and the Administrative Code are silent, the officers and employees through the Manager of the Municipality shall have

and may exercise all powers and duties provided for similar officers and employees by the State law. However, provisions of the Charter and the Administrative Code shall supersede those of the State law in case of conflict.

SECTION 7.06. CENTRAL PURCHASING.

The Manager shall within the Department of Finance establish a purchasing agent whose duty it shall be to contract for, purchase, store and distribute all supplies, printing, materials, equipment and contractual services required by the Municipality, within the appropriations made by Council. This shall not preclude the ability to participate jointly with other governmental agencies as provided in Section 3.04. (Amended November 2, 1976)

SECTION 7.07. CONTRACTING PROCEDURE.

Competitive bidding and other procedures shall be established, consistent with this Charter, by the Council, by ordinance, governing the purchase of all supplies, materials and equipment and the purchase, sale and leasing of all real or personal property for the Municipality. In cases of public disaster, declared by resolution approved by at least five (5) members of Council, purchases and contractual services may be made without competitive bidding; provided, however, that with respect to the issuance of Industrial Development Bonds the exemptions from competitive bidding contained in Chapter 165 of the Ohio Revised Code shall apply. (Amended November 2, 1976; November 6, 1984)

SECTION 7.08. DEPARTMENT OF FINANCE.

The Director of Finance, after consultation with the Bureau of Inspection and Supervision of Public Offices, shall establish accounting and procedure systems to conform to State law and shall maintain and prepare all financial and accounting information in accordance with generally accepted accounting principles as presented and recommended by the National Council of Governmental Accounting and the American Institute of Certified Public Accountants insofar as the same are not contrary to State law and as the same may be supplemented and modified from time to time, and said procedure shall be amended from time to time to conform to any financial disclosure guidelines adopted by the Council in order to market the bonds and notes of the Municipality. The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall be responsible for the establishment of accounting procedures and financial recording practices for all boards and commissions. The Director of Finance shall advise the Manager and the Council concerning the financial condition of the Municipality and shall examine all payrolls, bills and other claims against the Municipality and shall issue no warrants unless it shall be determined that the claim is in proper form, correctly computed, duly

approved and within appropriations made by Council. The Director of Finance shall countersign all bonds and notes issued by the Municipality and shall perform other functions as may be assigned by the Administrative Code or by order of the Manager. (Amended November 2, 1976)

SECTION 7.09. DEPARTMENT OF SAFETY.

The Department of Safety shall have and perform such functions as may be assigned by the Administrative Code or by order of the Manager. Notwithstanding any provisions of State law, the Council may establish unified police and fire service in which both types of service are rendered by the same personnel.

SECTION 7.10. DEPARTMENT OF SERVICE.

The Department of Service shall be administered by the Director of Service. The Director shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities, cemeteries and properties owned or operated by the Municipality for the protection of the health, welfare, convenience and necessity of the people. The Director shall perform such functions and duties with reference to the Department of Service as may be assigned by the Administrative Code or by order of the Manager. (Amended November 2, 1976)

SECTION 7.11. DEPARTMENT OF DEVELOPMENT.

The Department of Development shall be administered by the Director of Development. The Director shall be responsible for all those administrative functions within the Municipality dealing with all matters related to the use, reuse or control of land and structures within the Municipality. The Director shall perform such functions and duties with reference to the Department of Development as may be assigned by the Administrative Code or by order of the Manager. (Amended November 2, 1976)

SECTION 7.12. DEPARTMENT OF LAW.

The Department of Law shall be headed by a director who shall be known as the Municipal Attorney. The Municipal Attorney shall be an attorney-at-law, admitted to the practice of law in the State of Ohio, and be in good professional standing. The Municipal Attorney shall perform such duties as may be assigned by the Council by ordinance, as well as those assigned by the Administrative Code and this Charter. (Amended November 2, 1976)

**ARTICLE VIII
FINANCE, TAXATION AND DEBT**

SECTION 8.01. FISCAL YEAR.

The fiscal, budget and accounting year of the Municipality shall begin on the first day of January and end on the last day of December.

SECTION 8.02. CAPITAL PROGRAM.

(a) Submission to Council. The Manager shall prepare and submit to the Council a five-year capital program at least one month prior to the final date for submission of the budget to the Council.

(b) Contents. The capital program shall include:

- (1) A clear, general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised by the Manager and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(c) Adoption by the Council. The Council by resolution shall adopt the capital program with or without amendment prior to adoption of the budget.

(Amended November 2, 1976)

SECTION 8.03. SUBMISSION OF BUDGET.

The Manager shall submit to the Council, at such date as Council shall designate, a budget for the ensuing fiscal year and an accompanying budget message.

SECTION 8.04. BUDGET.

The budget shall provide a complete financial plan of all Municipal funds and activities for the ensuing fiscal year and shall be in such form as the Manager deems desirable or the Council may require. It shall indicate proposed expenditures for current operations and proposed capital expenditures during the ensuing fiscal year, and the method of financing such expenditures. The total of proposed cash expenditures shall not exceed the total estimated cash available.

(Amended November 6, 1984)

SECTION 8.05. COUNCIL ACTION ON THE BUDGET.

(a) Notice and Hearing. The Council shall publish (as defined in Section 5.03) the general summary of the budget and a notice stating:

- (1) The times and places, as directed in Section 5.03, where copies of the message and the budget are available for inspection by the public; and
- (2) The time and place, not less an seven (7) days after such publication, for a public hearing on the budget.

(b) Amendment Before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit for utilities, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.

(c) Adoption. The Council shall adopt the budget and transmit it to the County Auditor in the form and at the time required by law.
(Amended November 2, 1976)

SECTION 8.06. CERTIFICATION.

Upon receipt of advice of action by the County Budget Commission and the Certificate of the County Auditor as to the estimated income, the Council shall pass and certify to the County Auditor an ordinance, as required by general law.

SECTION 8.07. REVISION OF THE BUDGET.

The Manager shall prepare and submit to the Council each year a budget so revised that the total contemplated work program and expenditures during the ensuing fiscal year shall not exceed the total estimated income certified by the County Budget Commission and the County Auditor. This revised budget shall serve as the basis for the annual appropriation ordinance.

SECTION 8.08. ANNUAL APPROPRIATION ORDINANCE.

At the meeting of the Council at which the revised budget estimates for the appropriation ordinance are submitted, the Council shall adopt the estimates as submitted, or as amended, as the appropriation ordinance of the Municipality for the ensuing fiscal year.

SECTION 8.09. EFFECT OF APPROPRIATION ORDINANCE.

Upon adoption, the appropriation ordinance shall become effective as of the first day of January and shall constitute an appropriation for the budgeted items and approval of the work projects without further legislation.

SECTION 8.10. AMENDMENT OF APPROPRIATIONS.

The Council, on recommendation of the Manager, may at any time by ordinance transfer any unencumbered balance of an appropriation from one item or project to another under the same fund, or reduce or increase any item, provided the ordinance as amended does not increase the authorized expenditures to an amount greater than the total estimated income.

SECTION 8.11. EMERGENCY APPROPRIATIONS.

To meet a public emergency affecting life, health, safety, property or the public welfare, the Council may make emergency appropriations. Such appropriations may be made an emergency ordinance in accordance with the provisions of Section 5.05. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

SECTION 8.12. DEBT AND TAX LIMITATIONS.

The limitations on debt and tax rates without vote of the electors shall be continued from time to time as provided in the Constitution and general laws of the State of Ohio. (Amended November 3, 1992)

SECTION 8.13. PUBLIC RECORDS.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the Municipality.

**ARTICLE IX
BOARDS AND COMMISSIONS****SECTION 9.01. CREATION OF BOARDS AND COMMISSIONS.**

The Council shall, by ordinance, in counsel with the Manager, create all Boards and Commissions deemed necessary or desirable for the most efficient functioning of the Municipality. Such boards and commissions shall be created to assist the Manager and/or the Council. Council shall, through boards and commissions, direct, by ordinance: (1) overall planning affecting the development and welfare of the community; (2) determine the need for capital improvements; (3) regulate land use and development; and (4) other purposes determined by Council. The Council shall make appointments to the membership of all boards and commissions by motion. (Amended November 2, 1976; November 6, 1984)

SECTION 9.02. DUTIES; POWERS; AND REVISION.

All duties and powers of boards and commissions thus created shall be prescribed by ordinances. Such ordinances shall permit the boards and commissions to adopt their own operational rules. Council may authorize the Manager to provide funds as appropriate for the use of the boards and commissions in carrying out their responsibilities.

Except as established by this Charter, the Council, in counsel with the Manager, by ordinance, may change the responsibilities of a board or commission, or may abolish them. Council, in counsel with the Manager, by motion, may remove any member of a board, commission or agency, for cause, so stated in written or printed form by Council. Council's action shall be final. (Amended November 6, 1984)

**ARTICLE X
PERSONNEL****SECTION 10.01. MERIT SYSTEM ESTABLISHED.**

Appointments and promotions in the administrative service of the Municipality shall be made according to merit, to be ascertained, as far as practicable, by open competitive examinations.

SECTION 10.02. EXEMPT POSITIONS.

All positions in the administrative service of the Municipality shall, as far as practicable, be filled pursuant to open competitive examinations except:

- (a) The Manager;
- (b) Clerk of Council;
- (c) The directors of departments, their assistants, and division heads;
- (d) Assistants to the Manager;
- (e) Secretary to the Manager, and personal secretaries of all department heads, agencies, boards and commissions;
- (f) Any office or position requiring exceptional or professional qualifications;
- (g) Unskilled laborers;
- (h) Seasonal and part-time employees;
- (i) All officials and employees appointed by Council under its Charter authority;
- (j) Members of boards, commissions and agencies;
- (k) Mayor's Court personnel. (Amended November 3, 1992)

SECTION 10.03. PERSONNEL OFFICER.

There shall be a personnel officer appointed by the Manager, to serve part-time or full-time, who shall administer the personnel system of the Municipality.

The Personnel Officer shall:

- (a) prepare and recommend to the Manager for approval the necessary rules to establish and maintain the merit system in the Municipality according to the provisions of the Ohio Constitution, Article XV, Section 10. When approved by the Manager, the rules shall be proposed to the Council for adoption by ordinance, with or without amendment.
- (b) classify positions, establish job standards with adequate provisions for reclassification, and establish the probationary period. Conduct recruitment, examinations, in-service training programs, and other such duties in relation to personnel as the Manager may direct.

(Amended November 2, 1976; November 3, 1992)

SECTION 10.04. PERSONNEL APPEALS BOARD.

(a) Membership. There shall be a Personnel Appeals Board consisting of three (3) members appointed by the Council for overlapping terms of three (3) years, except that the members first selected shall be appointed for such terms that the term of one

member shall expire annually thereafter. Each member of the Board shall be a qualified elector of the Municipality and shall neither hold nor be a candidate for any public office or Municipal employee. Its members shall serve without compensation. The personnel officer shall provide necessary staff assistance for the Personnel Appeals Board.

(b) Duties. The Personnel Appeals Board shall hear appeals when any officer or employee of the Municipality in the non-exempt service feels aggrieved by action of the personnel officer, the Manager, or by any department head, which suspends, reduces or removes said officer or employee, and requests such hearing. The Board shall have authority to subpoena witnesses, and to require the production of records. For that purpose, Council, by ordinance, shall prescribe the process of citing witnesses, administering oaths and producing evidence, and its enforcement through the Department of Law. The judgment of the Personnel Appeals Board shall be final. (Amended November 6, 1984)

SECTION 10.05. CANDIDACY FOR MUNICIPAL OFFICE.

No employee of the Municipality shall continue therein after becoming a candidate for nomination or election to any Municipal office. Except for elective officials, no officials or employees of the Municipal government may engage in political campaigns in which candidates of this Municipality are involved.

SECTION 10.06. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in any position in the service of the Municipality which is not exempted under the provisions of Section 10.02, it shall be filled in the manner provided in the personnel ordinance. (Amended November 3, 1992)

SECTION 10.07. CLASSIFICATION OF PERSONNEL.

All persons appointed by Council or the Manager specified by ordinance or by this Charter as involved in directing functions of government shall be classified as officials. All persons engaged for hire shall be classified as employees.

SECTION 10.08. EXCLUSIVE PROVISIONS.

The provisions of this Charter and ordinances enacted pursuant thereto are paramount and exclusive of all other provisions of Ohio law relating to personnel and civil service. There shall be no requirement for the provision of civil service or personnel services except as provided herein and no board, commission, committee or office governing or relating to civil service or personnel shall be created or exist except as provided by this Charter and ordinances enacted pursuant to it. (Added November 6, 1984)

ARTICLE XI NOMINATIONS AND ELECTIONS

SECTION 11.01. MUNICIPAL ELECTIONS.

The regular Municipal election for the choice of Councilmember shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution. (Amended November 6, 1984)

SECTION 11.02. CONDUCT OF ELECTIONS.

Both regular and special Municipal elections shall be conducted by the Board of Elections of Montgomery County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the State election law shall be followed. Council shall have authority and is directed to hold all elections through the said County Board of Elections, according to the provisions of the Ohio Revised Code except where this Charter directs otherwise.

SECTION 11.03. NOMINATIONS.

No primary election shall be held for the nomination of candidates for the Council. Nominations for the offices of Councilmember or Mayor shall be made by petition signed by not less than one hundred (100) nor more than two hundred (200) electors of the Municipality. Petitions shall be the standard forms provided by the Board of Elections for the nomination of individual non-partisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections as provided by law. An elector may sign only as many petitions as there are Councilmembers to be elected at the Municipal election for which the nominations are made. (Amended November 6, 1984)

SECTION 11.04. PUBLIC INFORMATION ON ISSUES.

The Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with elections on tax levies, bond issues and other public issues and reports to the people.

ARTICLE XII GENERAL PROVISIONS

SECTION 12.01. OATH OF OFFICE.

All officers and employees of the Municipality shall, before entering upon their duties, take and subscribe to the following oath or affirmation to be filed and kept in the office of the Clerk of Council:

"I,, do solemnly swear (or affirm) that I will faithfully execute the Office of.....and will to the best of my ability preserve, protect and defend the Constitution of the United States and the laws thereof and the Charter and ordinances of this Municipality."

(Amended November 2, 1976; November 6, 1984)

SECTION 12.02. OFFICIAL BONDS.

The Municipality shall furnish all surety bonds for its officers, employees, appropriate Board and Commission members and any other persons required by Council to be bonded. The amount of such bonds shall, in each case, be fixed by the Council for all persons whose duties require that they handle or be concerned with the management of the Municipality's money or other property. These surety bonds shall be issued by a company authorized to do business in the State of Ohio and the premium on such bonds shall be paid from the funds of the Municipality.

(Amended November 2, 1976)

SECTION 12.03. FEES.

All fees received by officers or employees of the Municipality in connection with their employment with the Municipality shall be accounted for and paid into the Municipal Treasury, except as otherwise provided by ordinance. No member or agency of the Municipal government may use the Municipal facilities or hours of operation to collect any fees or funds for private groups, agencies or individuals.

(Amended November 2, 1976)

SECTION 12.04. AMENDMENTS TO THE CHARTER.

(a) Submission. Any provisions of this Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the Municipality and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the electors registered to vote at the last regular Municipal election held in the Municipality.

(b) Review. At the first meeting of the Council in January, 1976, and every eight (8) years thereafter, Council shall appoint a Commission of nine (9) electors of the Municipality. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its report to Council not later than August 1 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.

(c) Conflicting Amendments. In the event two conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

SECTION 12.05. EFFECT OF PARTIAL INVALIDITY.

A determination that any article, section, or part of any article or section, of this Charter is invalid shall not invalidate or impair the force of effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 12.06. PERSONAL FINANCIAL INTEREST.

Any officer or employee of the Municipality who has a financial interest, direct or indirect, in any contract with the Municipality or in the sale of any land, material or services to the Municipality or to a contractor supplying the Municipality shall make known that interest and shall refrain from voting upon or otherwise participating in that capacity as an officer or employee of the Municipality in making of such sale or in the making or performance of such contract. Any officer or employee of the Municipality who conceals such financial interest or violates the requirements of this section shall: if after a hearing before the head of the department, the Manager and one representative selected by the accused, be found responsible and/or guilty of the accusation; forfeit the office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making sale to the Municipality shall render the contract or sale voidable by the Manager or the Council. (Amended November 2, 1976)

SECTION 12.07. ANNUAL REPORT.

The Council may annually or periodically, as they may determine, publish a comprehensive report to the people of Centerville covering the activities and status or condition of the Municipal Government of Centerville.

**ARTICLE XIII
TRANSITIONAL PROVISIONS**

SECTION 13.01. EFFECTIVE DATE. (REPEALED)

(EDITOR'S NOTE: Section 13.01 was repealed by the electorate of the Municipality of Centerville on November 3, 1992.)

SECTION 13.02. SUCCESSION. (REPEALED)

(EDITOR'S NOTE: Section 13.02 was repealed by the electorate of the Municipality of Centerville on November 3, 1992.)

SECTION 13.03. CONTINUATION OF COUNCIL. (REPEALED)

(EDITOR'S NOTE: Section 13.03 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)

SECTION 13.04. CONTINUATION OF THE MAYOR. (REPEALED)

(EDITOR'S NOTE: Section 13.04 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)

SECTION 13.05. CONTINUATION OF ORDINANCES. (REPEALED)

(EDITOR'S NOTE: Section 13.05 was repealed by the electorate of the Municipality of Centerville on November 3, 1992.)

SECTION 13.06. OFFICERS AND EMPLOYEES. (REPEALED)

(EDITOR'S NOTE: Section 13.06 was repealed by the electorate of the Municipality of Centerville on November 3, 1992.)

SECTION 13.07. TRANSFER OF RECORDS AND PROPERTY. (REPEALED)

(EDITOR'S NOTE: Section 13.07 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)

SECTION 13.08. CONTINUATION OF CONTRACTS AND IMPROVEMENTS.

All contracts entered into by the Municipality or for its benefit, prior to the taking of effect of this Charter, shall remain in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect, shall be completed, as nearly as practicable, under the provisions of such laws.

SECTION 13.09. PENDING ACTIONS AND PROCEEDINGS. (REPEALED)

(EDITOR'S NOTE: Section 13.09 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)

SECTION 13.10. TRANSFER OF FINANCE FUNCTIONS. (REPEALED)

(EDITOR'S NOTE: Section 13.10 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)

SECTION 13.11. TRANSFER OF CLERK'S FUNCTIONS. (REPEALED)

(EDITOR'S NOTE: Section 13.11 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)

**SECTION 13.12. TRANSITION OF GOVERNMENTAL SERVICE.
(REPEALED)**

(EDITOR'S NOTE: Section 13.12 was repealed by the electorate of the Municipality of Centerville on November 6, 1984.)